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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Armenia, Australia, Austria, Belgium, Bulgaria, Chile, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America:

draft resolution

Freedom of religion or belief

The General Assembly,

Recalling article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling also its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further its previous resolutions on freedom of religion or belief and on the elimination of all forms of intolerance and of discrimination based on religion or belief, including its resolution 72/177 of 19 December 2017 and Human Rights Council resolution 37/9 of 22 March 2018,[3]

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of freedom of religion or belief,

Noting the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on *the prohibition of advocacy of national*,

[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] See *Official Records of the General Assembly, Seventy-third Session, Supplement No.53* (A/73/53), chap. IV, sect. A.

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racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat on 5 October 2012,[4]

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief, as a universal human right, should be fully respected and guaranteed,

Seriously concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including against persons belonging to religious communities and religious minorities around the world, and at the increasing number and intensity of such incidents, which are often of a criminal nature and may have international characteristics,

Deeply concerned at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Concerned that State and non-State actors sometimes tolerate or encourage acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities,

Concerned also at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief and at the implementation of existing laws in a discriminatory manner,

Convinced of the need to urgently address the rapid rise in various parts of the world of religious extremism that affects the human rights of individuals, in particular persons belonging to religious communities and religious minorities, the situations of violence and discrimination that affect many individuals, particularly women and children, on the basis of or in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the principles set out in the Charter of the United Nations and in other relevant instruments of the United Nations,

Seriously concerned about all attacks on religious places, sites and shrines that violate international law, in particular international human rights law and international humanitarian law, including any deliberate destruction of relics and monuments, and including also those carried out in connection with incitement to national, racial or religious hatred,

Emphasizing that States, regional organizations, national human rights institutions, non-governmental organizations, religious bodies, the media and civil society as a whole have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education, including human rights education, in the promotion of tolerance, which involves the acceptance by the public of and its

[4] A/HRC/22/17/Add.4, appendix.

respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's own choice and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. *Strongly condemns* violations of freedom of thought, conscience and religion or belief, as well as all forms of intolerance, discrimination and violence based on religion or belief;

4. *Recognizes with deep concern* the overall rise in instances of discrimination, intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia and prejudices against persons of other religions or beliefs;

5. *Reaffirms* that terrorism cannot and should not be associated with any religion or belief, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

6. *Strongly condemns* continuing violence and acts of terrorism targeting individuals, including persons belonging to religious minorities, on the basis of or in the name of religion or belief, and underlines the importance of a comprehensive and inclusive community-based preventive approach, involving a wide set of actors, including civil society and religious communities;

7. *Recalls* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, intimidation and harassment against a person or a group of persons belonging to a religious minority, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Emphasizes* that freedom of religion or belief, freedom of opinion and expression, the right to peaceful assembly and the right to freedom of association are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

9. *Strongly condemns* any advocacy of hatred based on religion or belief that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

10. *Expresses concern* at the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

11. *Recognizes with concern* the challenges that persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as well as women, are facing as regards their ability to freely exercise their right to freedom of religion or belief;

12. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, are non-discriminatory, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

13. *Expresses deep concern* at continued obstacles to the enjoyment of the right to freedom of religion or belief, as well as the increasing number of instances of intolerance, discrimination and violence based on religion or belief, including:

(a) Acts of violence and intolerance directed against individuals based on their religion or belief, including religious persons and persons belonging to religious minorities and other communities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the human rights of individuals, including persons belonging to religious minorities;

(c) Incidents of hatred, discrimination, intolerance and violence based on religion or belief, which may be associated with or manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(d) Attacks on or destruction of religious places, sites and shrines that violate international law, in particular international human rights law and international humanitarian law, as they have more than material significance for the dignity and lives of persons holding spiritual or religious beliefs;

(e) Instances, both in law and practice, that constitute violations of the human right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights,1 as well as other international instruments;

(f) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction;

14. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to that end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction by, inter alia, providing access to justice, including by facilitating legal assistance and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely choose and practise one's religion or belief is violated, paying particular attention to persons belonging to religious minorities;

(b) To implement all accepted universal periodic review recommendations related to the promotion and protection of freedom of religion or belief;

(c) To ensure that no one within their territory and subject to their jurisdiction is deprived of the right to life, liberty and security of person because of religion or belief, to provide adequate protection to persons at risk of violent attack on the

grounds of their religion or belief, to ensure that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(d) To end violations of the human rights of women and girls and to devote particular attention to appropriate measures modifying or abolishing existing laws, regulations, customs and practices that discriminate against them, including in the exercise of their right to freedom of thought, conscience and religion or belief, and to foster practical ways to ensure gender equality;

(e) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits and that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination based on religion or belief;

(f) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(h) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief, their right to establish and maintain places for these purposes and the right of all persons to seek, receive and impart information and ideas in these areas;

(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that they receive all necessary and appropriate awareness-raising, education or training on respect for freedom of religion or belief;

(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(l) To promote, through education and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of the diversity of religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis and to detect signs of intolerance that may lead to discrimination based on religion or belief;

15. *Welcomes and encourages* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including freedom of religion or belief, and stresses the importance of unhindered participation in the media and in public discourse for all persons, regardless of their religion or belief;

16. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the United Nations Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

17. *Welcomes and encourages* the continuing efforts of all actors in society, including national human rights institutions, non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[5] and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

18. *Recommends* that States, the United Nations and other actors, including national human rights institutions, non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration in as many different languages as possible, and promote its implementation;

19. *Takes note with appreciation* of the work and the interim report on the elimination of all forms of religious intolerance of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;[6]

20. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all information and follow-up necessary for the effective fulfilment of his mandate;

21. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

22. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its seventy-fourth session;

23. *Decides* to consider the question of the elimination of all forms of religious intolerance at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

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[5] Resolution 36/55.

[6] A/73/362.

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Australia, Austria, Belgium, Brazil, Chile, Costa Rica, Cyprus, Czechia, Denmark, Estonia, Germany, Hungary, Liechtenstein, Malta, Paraguay, Poland, Slovenia, Spain, Sweden, Switzerland and Ukraine: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles of the Universal Declaration of Human Rights[1] and the provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto,[4] the International Convention for the Protection of All Persons from Enforced Disappearance,[5] the Convention on the Elimination of All Forms of Discrimination against Women,[6] the Convention on the Rights of the Child[7] and the Convention on the Rights of Persons with Disabilities,[8] as well as all other relevant international treaties,

Calling attention to the numerous international standards in the field of the administration of justice,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex; and United Nations, *Treaty Series*, vol. 1642, No. 14668.
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vols. 1465 and 2375, No. 24841.
[5] Resolution 61/177, annex.
[6] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[7] Ibid., vol. 1577, No. 27531.
[8] Ibid., vol. 2515, No. 44910.

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General Assembly resolution 71/188 of 19 December 2016 and Human Rights Council resolutions 36/16 of 29 September 2017[9] and 37/22 of 23 March 2018,[10]

Taking note with appreciation of the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities,[11]

Recalling the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[12]

Reaffirming the importance of international standards and norms in crime prevention and criminal justice, including in relation to drug-related crimes, as recognized by Member States in the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem",[13]

Welcoming the work of all special procedures of the Human Rights Council that address human rights in the administration of justice in the discharge of their mandates,

Taking note of the work of the human rights treaty body mechanisms on human rights in the administration of justice, inter alia, of general comments No. 21 (1992) on humane treatment of persons deprived of their liberty,[14] No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial[15] and No. 35 (2014) on liberty and security of person,[16] adopted by the Human Rights Committee, general comments No. 10 (2007) on children's rights in juvenile justice[17] and No. 13 (2011) on the right of the child to freedom from all forms of violence,[18] adopted by the Committee on the Rights of the Child, general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, adopted by the Committee on the Elimination of Racial Discrimination, and general recommendation No. 33 (2015) on women's access to justice, adopted by the Committee on the Elimination of Discrimination against Women,

Noting with appreciation the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict,

Recalling the regional conference on oversight, inspection and monitoring of places where children are deprived of liberty in the framework of the criminal justice system organized in Buenos Aires on 19 and 20 May 2016 by the Special Representative of the Secretary-General on Violence against Children and the United

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[9] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

[10] Ibid., *Seventy-third Session, Supplement No. 53* (A/73/53), chap. IV, sect. A.

[11] A/73/253.

[12] Resolution 70/175, annex.

[13] Resolution S-30/1, annex.

[14] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.

[15] Ibid., *Sixty-second Session, Supplement No. 40* (A/62/40), vol. I, annex VI.

[16] CCPR/C/GC/35.

[17] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 41* (A/63/41), annex IV.

[18] Ibid., *Sixty-seventh Session, Supplement No. 41* (A/67/41), annex V.

Nations Children's Fund, and the important recommendations that have been put forward in this regard,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members,

Encouraging continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice, and noting in this regard the World Congress on Justice for Children held in Paris from 28 to 30 May 2018,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations and to challenge the lawfulness of detention before a court,

Emphasizing that the right to access to justice for all, which could include access to legal aid, forms an important basis for strengthening the rule of law through the administration of justice,

Underlining the importance of implementing the 2030 Agenda for Sustainable Development,[19] and recognizing the role of the relevant Sustainable Development Goals for eliminating discrimination in the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Recognizing the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms,

Concerned about the negative impact of overincarceration and overcrowding on the enjoyment of human rights, and acknowledging that overincarceration constitutes one of the major underlying causes of overcrowding,

Emphasizing that the penitentiary system should provide the possibility of reform and social rehabilitation of the offender in all appropriate cases, and that punishment should be dealt with in the larger framework of a criminal justice system that provides the possibility of reinsertion and reintegration of the offender into society,

Recalling that the social rehabilitation and reintegration of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Underlining that, where persons are in vulnerable situations or marginalized, prejudice and discrimination in the administration of justice may result in their overincarceration and overrepresentation throughout the criminal justice system, and recognizing the need for States to take measures, within the justice system, particularly the criminal justice system, to prevent discrimination, inter alia, against

[19] Resolution 70/1.

persons belonging to national or ethnic, religious and linguistic minorities and to increase their effective participation within the system,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Noting the importance of gender-sensitive justice systems,

Reaffirming that children who are victims and witnesses of crime and violence are particularly vulnerable and require special protection, assistance and support appropriate to their age, level of maturity and needs, in order to prevent further hardship and trauma that may result from their participation in the criminal justice process,

Recognizing the specific situation and needs of children formerly associated with armed forces or armed groups when accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to the sentencing of the parents, or, where applicable, legal guardians or primary caregivers,

1. *Takes note with appreciation* of the most recent report of the Secretary-General on human rights in the administration of justice;[20]

2. *Also takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding,[21] as well as previous reports on human rights in the administration of justice submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice, and invites States to assess their national legislation and practice against those standards;

4. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

5. *Appeals* to Governments to include, in their efforts to implement the 2030 Agenda for Sustainable Development[19] and in their national development plans, the effective administration of justice and equal access to justice for all as an integral part of the development process, with a view to promoting and protecting human rights, and to allocate adequate resources for effective, fair, humane and accountable justice systems, including the provision of legal aid services, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

6. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, and through the encouragement of independence, accountability and transparency in the judiciary, in order to establish

[20] A/73/215.
[21] A/HRC/36/28.

and maintain stable societies and the rule of law in post-conflict situations, and welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

7. *Reaffirms* that no one should be unlawfully or arbitrarily deprived of liberty, and notes that any deprivation should observe the principles of necessity and proportionality in this regard;

8. *Calls upon* States to apply individual criminal responsibility and to refrain from detaining persons based solely on their family ties with an alleged offender;

9. *Also calls upon* States to ensure that anyone who is deprived of liberty through arrest or detention has prompt access to a competent court with the effective power to determine the lawfulness of the detention and to order release if the detention or imprisonment is determined not to be lawful and prompt access to legal counsel, which could include legal aid schemes, in accordance with their international obligations and commitments;

10. *Calls upon* all States to consider establishing, maintaining or enhancing independent national mechanisms with the mandate to monitor all places of detention, including by making unannounced visits, and to hold private interviews without witnesses with all persons deprived of liberty, inter alia, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);[12]

11. *Calls upon* States to ensure a proper file and data management system on prisoners that allows the tracking of the number of persons deprived of their liberty, their detention period, offences or grounds for detention, and developments regarding the prison population, and encourages States to collect other up-to-date, comprehensive and disaggregated data that allow for the identification and prevention of discrimination in the administration of justice and overincarceration;

12. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

13. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* States to investigate promptly, effectively and impartially all alleged human rights violations suffered by persons deprived of their liberty, in particular cases involving death, torture and cruel, inhuman or degrading treatment or punishment, to provide effective remedy to the victims, in accordance with their international obligations and commitments, and to ensure that detention administrations fully cooperate with the investigating authority and preserve all evidence;

15. *Also calls upon* States to ensure effective access to justice for persons with disabilities when investigating, prosecuting and punishing persons responsible for human rights violations and abuses committed against them, including by providing effective remedies, taking into consideration, on an equal basis with others, the specific circumstances of the person with disabilities, as well as by implementing systemic changes, legal and policy reforms and capacity-building where needed in order to ensure non-repetition;

16. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, which should be a measure of last resort and for as short a period as possible, inter alia, by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance, which could include legal aid schemes;

17. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the availability and use of alternatives to pretrial detention and custodial sentences, bearing in mind the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[22] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[23] access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency as well as the capacity of the criminal justice system and its facilities, bearing in mind the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;[24]

18. *Urges* States to take all necessary measures to prevent and eliminate discrimination in law and in practice against persons who are in vulnerable situations or marginalized in the administration of justice that may also result in their overincarceration and overrepresentation throughout the criminal justice process;

19. *Also urges* States to pay special attention to the conditions of detention or imprisonment of persons who are in vulnerable situations or marginalized and their particular needs;

20. *Continues to encourage* States to pay due attention to the Bangkok Rules when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the High Commissioner, the United Nations Office on Drugs and Crime and all other relevant organizations to take those rules into consideration in their activities;

21. *Encourages* States to review penal policies that can contribute to overincarceration and overcrowding, in particular regarding so-called "zero-tolerance policies", such as the application of mandatory pretrial detention and mandatory minimum sentences especially for minor and/or non-violent crimes;

22. *Recognizes* that all children and juveniles alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with their rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, taking into account also the age, gender, social circumstances and development needs of such children, and calls upon States parties to the Convention on the Rights of the Child[6] and States parties to the Optional Protocols to the Convention[25] to abide strictly by their principles and respective provisions;

23. *Reiterates* the importance of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,[26] and urges States to consider applying them, as appropriate, in the design, implementation, monitoring and evaluation of laws, policies, programmes, budgets and mechanisms aimed at eliminating violence against

[22] Resolution 45/110, annex.
[23] Resolution 65/229, annex.
[24] Resolution 67/187, annex.
[25] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531; and resolution 66/138, annex.
[26] Resolution 69/194, annex.

children in the field of crime prevention and criminal justice, and encourages States to support and to benefit, as appropriate, from the programme proposed by the United Nations Office on Drugs and Crime and the United Nations Children's Fund in this regard;

24. *Recalls* its resolutions 69/157 of 18 December 2014 and 72/245 of 24 December 2017, in which it invited the Secretary-General to commission an in-depth global study on children deprived of liberty, to be funded through voluntary contributions, and in this regard encourages Member States, United Nations agencies, funds, programmes and offices, as well as other relevant stakeholders, to support the elaboration of the study;

25. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so and to develop and implement a comprehensive and coordinated juvenile justice policy to prevent and address juvenile delinquency and to address risks and causes for children's contact with the juvenile and/or criminal justice system, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

26. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through the provision of gender-sensitive education and life skills programmes, as well as treatment and services for substance abuse and mental health needs, in line with relevant commitments and obligations under international human rights law, with a view to their assuming a constructive role in society;

27. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system, including within the informal justice system, where it exists;

28. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release nor corporal punishment is imposed for offences committed by persons under 18 years of age, and encourages States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;

29. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect notes the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;[17]

30. *Also encourages* States to gather relevant information, including through data collection and research, concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

31. *Stresses* the importance of paying greater attention to the impact on children of imprisonment or other sentences imposed upon their parents while noting

with interest the convening of and reports on all relevant meetings and panel discussions on these issues held by the Human Rights Council;[27]

32. *Calls upon* States to take effective and appropriate measures to remove all barriers preventing persons with disabilities from having effective access to justice on an equal basis with others and without discrimination;

33. *Invites* States to provide for tailored and interdisciplinary human rights training, including anti-racist, anti-discriminatory, multicultural, disability-inclusive, gender-sensitive and child rights training, to all judges, lawyers, prosecutors, social workers, immigration, correction and police officers and other professionals concerned, including personnel deployed in international field presences;

34. *Also invites* States, upon their request, to benefit from technical advice and assistance provided by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

35. *Invites* the Office of the High Commissioner and the United Nations Office on Drugs and Crime to reinforce their technical assistance to States, upon request and in accordance with their respective mandates, to strengthen the national capacity-building of States in the field of the administration of justice, in particular in post-conflict situations, and in this context to strengthen cooperation with relevant United Nations entities;

36. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to further streamline and strengthen system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General, the Rule of Law Unit in the Executive Office of the Secretary-General and the global focal point arrangement for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations;

37. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

38. *Also invites* States, when reviewing progress made in the implementation of the 2030 Agenda for Sustainable Development, to consider the possibility of looking into the causes and effects of overincarceration and overcrowding, including, where persons are in vulnerable situations or marginalized, with regard to non-discrimination and persons who are in vulnerable situations or marginalized in the administration of justice;

39. *Invites* relevant special procedure mandate holders of the Human Rights Council, as well as relevant treaty bodies, to give special attention to questions relating to the effective protection of human rights in the administration of justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

40. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fifth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, including on the situation

[27] A/HRC/21/31 and A/HRC/25/33.

of persons with disabilities in the administration of justice, and on the activities undertaken by the United Nations system as a whole;

41. *Decides* to continue its consideration of the question of human rights in the administration of justice at its seventy-fifth session under the item entitled "Promotion and protection of human rights".

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Agenda item 74 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Azerbaijan and Brazil: draft resolution

Missing persons

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto of 1977,[2] as well as international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7]

Recalling the accession by 58 States to the International Convention for the Protection of All Persons from Enforced Disappearance,[8] and calling upon States that have not yet done so to consider signing, ratifying or acceding to it as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances,

[1] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.
[2] Ibid., vol. 1125, Nos. 17512 and 17513.
[3] Resolution 217 A (III).
[4] See resolution 2200 A (XXI), annex.
[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] A/CONF.157/24 (Part I), chap. III.
[8] United Nations, *Treaty Series*, vol. 2716, No. 48088.

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Please recycle

Recalling also all previous relevant resolutions on missing persons adopted by the General Assembly, as well as the resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council,

Recalling further General Assembly resolution 71/201 of 19 December 2016 as well as all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the right to the truth,

Noting with deep concern that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and international human rights law,

Noting that the issue of persons reported missing in connection with international or non-international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and international human rights law, continues to have a negative impact on efforts to put an end to those conflicts and inflicts grievous suffering on the families of missing persons, and stressing in this regard the need to address the issue from, inter alia, a humanitarian and rule of law perspective,

Expressing its concern about the dramatic increase since 2014 in persons reported missing in connection with armed conflicts,

Considering that the problem of missing persons may raise questions of international humanitarian law and international human rights law, as appropriate,

Bearing in mind that cases of missing persons involve conduct that may constitute criminal offences, and stressing the importance of ending impunity for violations of international humanitarian law and international human rights law with respect to missing persons,

Cognizant that States that are parties to an armed conflict have a responsibility for countering the phenomenon of missing persons, taking all appropriate measures to prevent persons from going missing, including, when appropriate, effectively investigating the conditions relating to persons going missing and determining the fate of missing persons, and for recognizing their accountability as regards implementing the relevant mechanisms, policies and laws,

Bearing in mind the effective search for and identification of missing persons using forensic sciences, and recognizing that great technological progress has been made in this field, including DNA forensic analysis, which can significantly assist efforts to identify missing persons and to investigate violations of international humanitarian law and international human rights law,

Recognizing that the establishment and effective work of competent national institutions can play a crucial role in clarifying the fate of missing persons in connection with armed conflict,

Bearing in mind that the question of missing persons entails consequences not only for the victims themselves, but also for their families, especially women, children and older persons, and in this regard recognizing the importance of addressing the legal situation of missing persons in connection with armed conflict and supporting their family members through national policies that include a gender perspective, as appropriate,

Noting, in this regard, the progress made by coordination mechanisms, established in different parts of the world, aiming at exchanging information and identifying missing persons, which have contributed to informing families of the fate and whereabouts of their missing relatives,

Recognizing that respect for and implementation of international humanitarian law can reduce the number of cases of missing persons in armed conflict, and in this regard stressing the importance of encouraging greater understanding of and respect for international humanitarian law,

Stressing the importance of measures to prevent persons from going missing in connection with armed conflict, which may include enacting national legislation, providing appropriate training for armed forces, producing and providing proper means of identification, the establishment of information bureaux, grave registration services and registers of deaths and ensuring accountability in cases of missing persons,

Noting the signing of the Agreement on the Status and Functions of the International Commission on Missing Persons, to establish the Commission as an international organization,

Noting with appreciation the ongoing international and regional efforts to address the question of missing persons and the initiatives undertaken by international and regional organizations in this field,

Taking note of the report of the Secretary-General,[9]

1. *Urges* States to strictly observe and to respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949[1] and, where applicable, in the Additional Protocols thereto of 1977;[2]

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with the armed conflict, to account for persons reported missing as a result of such a situation and, in cases of missing persons, to take such measures, as appropriate, in order to ensure thorough, prompt, impartial and effective investigations and the prosecution of offences linked to missing persons, consistent with their obligations under international law, with a view to full accountability;

3. *Calls upon* States to take measures to prevent persons from going missing in connection with armed conflict, including by fully implementing their obligations and commitments under relevant international law;

4. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflict;

5. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

6. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death;

7. *Recognizes* the need for appropriate means of identification and for the collection, protection and management of data on missing persons and unidentified remains according to international and national legal norms and standards, and urges all concerned States to cooperate with each other and with other concerned actors working in this area by, inter alia, providing all relevant information related to missing persons, including on their fate and whereabouts;

[9] A/73/385.

8. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflict and to take appropriate measures to search for and identify those children and to reunite them with their families;

9. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all such legal and practical measures and coordination mechanisms as may be necessary, based on humanitarian considerations only;

10. *Urges* States that are parties to an armed conflict to cooperate, consistent with their international obligations, in order to effectively solve cases of missing persons, including by providing mutual assistance in terms of information-sharing, victim assistance, location and identification of missing persons and recovery, identification and return of human remains and, if possible, by identifying, mapping and preserving burial sites;

11. *Invites* States to encourage interaction between competent organizations and institutions, such as national commissions on missing persons, which play a crucial role in clarifying the fate of persons missing in connection with armed conflict and providing support to the families of the missing;

12. *Urges* States, and encourages intergovernmental and non-governmental organizations, to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflict and to provide appropriate assistance, as requested by the concerned States, and welcomes in this regard the establishment and efforts of commissions and working groups on missing persons;

13. *Calls upon* States, without prejudice to their efforts to determine the fate of persons reported missing in connection with armed conflict, to take appropriate steps with regard to the legal situation of missing persons and the individual needs and accompaniment of their family members, with particular attention to the needs of women, children and older persons, in such fields as social welfare, psychological and psychosocial support, financial matters, family law and property rights;

14. *Invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to further their engagement in order to follow forensic best practices as they apply to preventing and resolving cases of missing persons in connection with armed conflict;

15. *Also invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives in accordance with relevant applicable laws and regulations;

16. *Stresses* the need to address the issue of missing persons as a part of peace and peacebuilding processes, with reference to all justice and rule of law mechanisms, including the judiciary, parliamentary commissions and truth-finding mechanisms, on the basis of transparency, accountability and public involvement and participation;

17. *Welcomes* the progress made in clarifying the fate of missing persons in connection with armed conflicts;

18. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflict in their forthcoming reports to the General Assembly;

19. *Requests* the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its seventy-fifth session a comprehensive report on the implementation of the present resolution, including relevant recommendations;

20. *Also requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

21. *Decides* to consider the question at its seventy-fifth session.

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Agenda item 74 (c)

Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Bulgaria, Canada, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights,[1] international human rights treaties and other relevant international instruments and declarations,

Recalling the Geneva Conventions of 12 August 1949[2] and Additional Protocol I thereto, of 1977,[3] as applicable, as well as relevant customary international law,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations, recalling its resolution 2625 (XXV) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein,

[1] Resolution 217 A (III).

[2] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[3] Ibid., vol. 1125, No. 17512.

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Recalling its resolution 3314 (XXIX) of 14 December 1974 ,

Recalling also its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders and called upon all States, international organizations and specialized agencies not to recognize any alteration to the status of the Autonomous Republic of Crimea and the city of Sevastopol and to refrain from any action or dealing that might be interpreted as recognizing any such altered status,

Recalling further its resolutions 71/205 of 19 December 2016 and 72/190 of 19 December 2017 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system,

Concerned that the provisions of those resolutions and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system have not been implemented by the Russian Federation,

Condemning the ongoing temporary occupation of part of the territory of Ukraine — the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") — by the Russian Federation, and reaffirming the non-recognition of its annexation,

Affirming that the seizure of Crimea by force is illegal and a violation of international law, and affirming also that those territories must be returned,

Supporting the commitment by Ukraine to adhering to international law in its efforts to put an end to the Russian occupation of Crimea, and welcoming the commitments by Ukraine to protecting the human rights and fundamental freedoms of all its citizens,

Reaffirming the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law,

Welcoming the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, of the Commissioner for Human Rights of the Council of Europe, and of the human rights assessment mission of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in which they stated that violations and abuses of human rights continued to take place in Crimea and pointed to the sharp deterioration of the overall human rights situation,

Welcoming also the reports of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, submitted pursuant to resolutions 71/205[4] and 72/190[5],

Reaffirming its grave concern that the human rights monitoring mission in Ukraine continues to be denied access to Crimea, despite its existing mandate, which covers the entire territory of Ukraine within its internationally recognized borders,

Condemning the imposition and retroactive application of the legal system of the Russian Federation, and its negative impact on the human rights situation in

[4] See A/72/498.
[5] See A/73/404.

Crimea, the imposition of automatic Russian citizenship on protected persons in Crimea, which is contrary to international humanitarian law, including the Geneva Conventions and customary international law, and the deportation and regressive effects on the enjoyment of human rights of those who have rejected that citizenship,

Gravely concerned by consistent reports that the Russian law enforcement system uses involuntary placement in a psychiatric institution as a form of harassment against and punishment of political opponents and activists,

Deeply concerned that, since 2014, torture has reportedly been used by the Russian authorities to extract false confessions for politically motivated prosecutions, including in the case of Oleg Sentsov, a Ukrainian film-maker, and expressing deep concern about the ongoing arbitrary detentions and arrests by the Russian Federation of Ukrainian citizens, including Volodymyr Balukh and Emir-Usein Kuku, and in particular those on hunger strike,

Condemning the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, including sexual violence, arbitrary detentions and arrests, torture and ill-treatment, in particular to extract confessions, and psychiatric internment, and their transfer or deportation from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

Reaffirming its serious concern at the decision of the so-called Supreme Court of Crimea of 26 April 2016 and the decision of the Supreme Court of the Russian Federation of 29 September 2016 to declare the Mejlis of the Crimean Tatar People, the self-governing body of the Crimean Tatars, to be an extremist organization and to ban its activities,

Condemning the ongoing pressure exerted upon religious minority communities, including through frequent police raids, threats against and persecution of those belonging to the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Protestant Church, mosques and Muslim religious schools, Greek Catholics, Roman Catholics and Jehovah's Witnesses, and condemning also the baseless prosecution of dozens of peaceful Muslims for allegedly belonging to Islamic organizations,

Condemning also the widespread misuse of counter-terrorism and anti-extremism laws to suppress dissent,

Recalling the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning *the Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*,[6]

Recalling also the prohibition under the Geneva Conventions of 12 August 1949 for the occupying Power to compel protected persons to serve in its armed or auxiliary forces, including through pressure or propaganda that is aimed at securing voluntary enlistment,

Underlining the importance of the measures to develop transparent, accessible, non-discriminatory and expeditious procedures and regulations governing access to Crimea for human rights defenders, journalists, media workers and lawyers, as well

[6] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 4* (A/72/4), chap. V, sect. A.

as the possibility to appeal, in accordance with national legislation and in conformity with all applicable international law,

Condemning the blocking by the Russian Federation of Ukrainian websites and television channels and the seizure of Ukrainian transmission frequencies in Crimea,

Welcoming the support provided by Ukraine to media outlets and civil society organizations that have fled Crimea, which improves the ability of the media and civil society to work independently and without interference,

Welcoming also the continued efforts of the Secretary-General, the United Nations High Commissioner for Human Rights , the Organization for Security and Cooperation in Europe, the Council of Europe and other international and regional organizations to support Ukraine in promoting, protecting and ensuring human rights, and expressing further concern over the lack of safe and unfettered access by established regional and international human rights monitoring mechanisms and human rights non-governmental organizations to Crimea,

1. *Deplores* the failure of the Russian Federation to comply with the repeated requests and demands of the General Assembly, as well as with the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*;[6]

2. *Strongly condemns* the continuing and total disregard by the Russian Federation for its obligations under the Charter of the United Nations and international law regarding its legal responsibility for the occupied territory, including the responsibility to respect Ukrainian law and the rights of all civilians;

3. *Condemns* all attempts by the Russian Federation to legitimize or normalize its attempted annexation of Crimea, including the automatic imposition of Russian citizenship and illegal election campaigns;

4. *Also condemns* violations, abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities;

5. *Further condemns* the unlawful imposition of laws, jurisdiction and administration in the occupied Crimea by the Russian Federation, and demands that the Russian Federation respect obligations under international law with regard to respecting the laws in force in Crimea prior to occupation;

6. *Urges* the Russian Federation:

(a) To uphold all of its obligations under applicable international law as an occupying Power;

(b) To fully and immediately comply with the order of the International Court of Justice of 19 April 2017;

(c) To take all measures necessary to bring an immediate end to all violations and abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions and arrests, torture and other cruel, inhuman or degrading treatment, revoke all discriminatory legislation and hold accountable those responsible for those violations and abuses;

(d) To respect the laws in force in Ukraine, repeal laws imposed in Crimea by the Russian Federation that allow for forced evictions and the confiscation of private

property in Crimea, in violation of applicable international law, and respect the property rights of all former owners affected by previous confiscations;

(e) To immediately release and allow the return to Ukraine, without preconditions, of Ukrainian citizens who were unlawfully detained and judged without regard for the requirements of international law, as well as those transferred or deported across internationally recognized borders from Crimea to the Russian Federation;

(f) To monitor and accommodate the medical needs of all Ukrainian citizens unlawfully detained for the exercise of their human rights and fundamental freedoms, including political prisoners, in Crimea and the Russian Federation and allow the monitoring of those detainees' state of health and conditions of detention by independent international monitors and physicians from reputable international health organizations, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the International Committee of the Red Cross;

(g) To uphold the rights, in accordance with international law and until their release, of Ukrainian prisoners and detainees in Crimea and in the Russian Federation, including those on hunger strike, and encourage it to respect the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);[7]

(h) To provide Ukrainian consular officials with information on Ukrainian citizens detained in the Russian Federation, ensure freedom of consular communication with, and consular access to, detained Ukrainian citizens, in accordance with the Vienna Convention on Consular Relations,[8] to which the Russian Federation is a party, and allow Ukrainian officials, including the Ukrainian Parliament Commissioner for Human Rights , to visit all Ukrainian citizens, including political prisoners in Crimea and the Russian Federation;

(i) To address the issue of impunity and ensure that those found to be responsible for violations and abuses are held accountable before an independent judiciary;

(j) To create and maintain a safe and enabling environment for journalists and media workers, human rights defenders and defence lawyers to perform their work independently and without undue interference in Crimea;

(k) To restore enjoyment of the rights of all individuals, without any discrimination based on origin or religion or belief, revoke the decisions that banned cultural and religious institutions, non-governmental organizations, human rights organizations and media outlets and restore enjoyment of the rights of individuals belonging to ethnic communities in Crimea, in particular Ukrainians and Crimean Tatars, including that to engage in cultural gatherings;

(l) To ensure that the right to freedom of opinion and expression and the rights to peaceful assembly and freedom of association can be exercised by all Crimean residents in any form, including single-person pickets, without any restrictions other than those permissible under international law, including international human rights law, and without discrimination on any grounds;

(m) To refrain from criminalizing the right to freedom of opinion and expression and the right to peaceful assembly and quash all penalties imposed on

[7] Resolution 70/175, annex.

[8] United Nations, *Treaty Series*, vol. 596, No. 8638.

Crimean residents for expressing dissenting views, including regarding the status of Crimea;

(n) To ensure the availability of education in the Ukrainian and Crimean Tatar languages;

(o) To revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, repeal the decision banning leaders of the Mejlis from entering Crimea and refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions;

(p) To end the practice of compelling Crimean residents to serve in the armed or auxiliary forces of the Russian Federation, including through pressure or propaganda, and in particular ensure that Crimean residents are not compelled to participate in military operations of the Russian Federation;

(q) To end the practices of deporting Ukrainian citizens from Crimea for not taking Russian citizenship and of discriminating against Crimean residents for not possessing identity documents issued by the Russian Federation;

(r) To cooperate fully and immediately with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe and the Council of Europe on the situation of human rights in Crimea;

7. *Calls upon* the Russian Federation to address the substantive concerns and all recommendations highlighted in the reports of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine,[4,5] as well as previous relevant recommendations from 23 reports on the situation of human rights in Ukraine by the Office of the United Nations High Commissioner for Human Rights based on the work of the United Nations human rights monitoring mission in Ukraine established to prevent further deterioration of human rights in Crimea;

8. *Requests* the Secretary-General to continue to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine, to enable them to carry out their mandate;

9. *Urges* the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, including all places where persons may be deprived of their liberty, recognizing that the international presence in Crimea is of paramount importance in preventing further deterioration of the situation;

10. *Supports* the efforts of Ukraine to maintain economic, financial, political, social, informational, cultural and other ties with its citizens in the occupied Crimea in order to facilitate their access to democratic processes, economic opportunities and objective information;

11. *Calls upon* all international organizations and specialized agencies of the United Nations system, when referring to Crimea in their official documents, communications and publications, including with regard to statistical data of the Russian Federation, to refer to "the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation", and encourages all States and other international organizations to do the same;

12. *Requests* the Secretary-General to take all steps necessary to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of the present resolution;

13. *Also requests* the Secretary-General to continue to provide his good offices and pursue his discussions relating to Crimea, involving all relevant stakeholders and including the concerns addressed in the present resolution;

14. *Further requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation;

15. *Decides* to continue its consideration of the matter at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

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Agenda item 74 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Austria, Belgium, Brazil, Cyprus, Finland, Germany, Honduras, Hungary, Liechtenstein, Luxembourg, Mexico, Netherlands, Paraguay, Slovenia, Spain and Switzerland: draft resolution

The right to privacy in the digital age

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] as well as the Vienna Declaration and Programme of Action,[3]

Recalling General Assembly resolutions 68/167 of 18 December 2013, 69/166 of 18 December 2014 and 71/199 of 19 December 2016 on the right to privacy in the digital age, and resolution 45/95 of 14 December 1990 on guidelines for the regulation of computerized personal data files, as well as Human Rights Council resolutions 28/16 of 26 March 2015[4] and 34/7 of 23 March 2017[5] on the right to privacy in the digital age and resolutions 32/13 of 1 July 2016[6] and 38/7 of 5 July 2018[7] on the promotion, protection and enjoyment of human rights on the Internet,

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] See *Official Records of the General Assembly, Seventieth Session, Supplement No. 53* (A/70/53), chap. III, sect. A.

[5] Ibid., *Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

[6] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

[7] Ibid., *Seventy-third Session, Supplement No. 53* (A/73/53), chap. VI, sect. A.

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Welcoming the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,[8]

Welcoming also the reports of the Special Rapporteur of the Human Rights Council on the right to privacy[9] and the reports of the Special Rapporteur of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression,[10]

Welcoming further the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, noting with interest the report of the High Commissioner thereon,[11] and recalling the panel discussion on the right to privacy in the digital age held during the twenty-seventh session of the Human Rights Council,

Noting that the rapid pace of technological development enables individuals all over the world to use new information and communications technologies and at the same time enhances the capacity of Governments, companies and individuals to undertake surveillance, interception and data collection, which may violate or abuse human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and is therefore an issue of increasing concern,

Noting also that violations and abuses of the right to privacy in the digital age may affect all individuals, including with particular effects on women, as well as children, persons in vulnerable situations and marginalized groups,

Recognizing that the promotion of and respect for the right to privacy are linked to the prevention of violence against women and girls, including sexual harassment, which occurs in digital and online spaces and includes cyberbullying and cyberstalking,

Reaffirming the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

Noting with appreciation general comment No. 16 of the Human Rights Committee on article 17 of the International Covenant on Civil and Political Rights, on the right to respect of privacy, family, home and correspondence, and protection of honour and reputation,[12] while also noting the vast technological leaps that have taken place since its adoption and the need to discuss the right to privacy in view of the challenges of the digital age,

Recognizing the need to further discuss and analyse, based on international human rights law, issues relating to the promotion and protection of the right to privacy in the digital age, procedural safeguards, effective domestic oversight and remedies, the impact of surveillance on the right to privacy and other human rights,

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[8] Resolution 70/125.

[9] A/HRC/34/60 and A/72/540.

[10] A/HRC/38/35 and A/73/348.

[11] A/HRC/39/29.

[12] *Official Records of the General Assembly, Forty-third Session, Supplement No. 40* (A/43/40), annex VI.

as well as the need to examine the principles of non-arbitrariness and lawfulness, legality, necessity and proportionality in relation to surveillance practices,

Noting the holding of the Global Multi-stakeholder Meeting on the Future of Internet Governance (NETmundial) and the multi-stakeholder discussions that take place annually in the Internet Governance Forum, which is a multi-stakeholder forum for discussions of Internet governance issues and whose mandate was extended by the General Assembly in 2015 for another 10 years,[8] and recognizing that effectively addressing the challenges relating to the right to privacy in the context of modern communications technology requires an ongoing, concerted multi-stakeholder engagement,

Affirming that this engagement is greatly facilitated by informal dialogues about the right to privacy among all relevant stakeholders,

Emphasizing that the protection and promotion of, and respect for, the right to privacy require the sustained engagement of all stakeholders, including governments, industry, civil society and international organizations,

Recognizing that the discussion on the right to privacy should be based upon existing international and domestic legal obligations, including international human rights law, as well as relevant commitments, and should not open the path for undue interference with an individual's human rights,

Stressing the importance of full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information and democratic participation,

Recognizing that the right to privacy is important for the enjoyment of other rights and the free development of an individual's personality and identity, and contributes to an individual's ability to participate in political, economic, social and cultural life, and noting with concern that violations or abuses of the right to privacy might affect the enjoyment of other human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Noting that, while metadata may provide benefits, certain types of metadata, when aggregated, can reveal personal information that can be no less sensitive than the actual content of communications and can give an insight into an individual's behaviour, social relationships, private preferences and identity,

Expressing deep concern that individuals often do not provide their free, explicit and informed consent to the sale or multiple resale of their personal data, as the collecting, processing, use, storage and sharing of personal data, including sensitive data, have increased significantly in the digital age,

Noting that big data, profiling and machine-learning technologies, sometimes referred to as artificial intelligence, without proper safeguards, may lead to discrimination or decisions that otherwise have the potential to affect the enjoyment of human rights, including economic, social and cultural rights, and recognizing the need to apply international human rights law to the design, algorithms, evaluation and regulation of these practices,

Emphasizing that unlawful or arbitrary surveillance and/or interception of communications, as well as the unlawful or arbitrary collection and processing of personal data, as highly intrusive acts, violate the right to privacy, can interfere with other human rights, including the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and may contradict the tenets of a democratic society, including when undertaken extraterritorially or on a mass scale,

Recognizing that the same rights that people have offline must also be protected online, including the right to privacy,

Noting in particular that surveillance of digital communications must be consistent with international human rights obligations and must be conducted on the basis of a legal framework, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that any interference with the right to privacy must not be arbitrary or unlawful, bearing in mind what is reasonable and proportionate to the pursuance of legitimate aims, and recalling that States that are parties to the International Covenant on Civil and Political Rights must take the necessary steps to adopt laws or other measures as may be necessary to give effect to the rights recognized in the Covenant,

Recognizing that respecting the right to privacy contributes to the protection of individuals against the spread of disinformation and propaganda on the Internet, which can be designed and implemented so as to mislead, to violate and abuse human rights and to incite violence, hatred, discrimination or hostility,

Emphasizing that States must respect international human rights obligations regarding the right to privacy when they intercept digital communications of individuals and/or collect personal data, when they share or otherwise provide access to the data collected on the basis of cross-border intelligence-sharing agreements and when they require the disclosure of personal data from third parties, including private companies,

Noting the increase in the collection of sensitive biometric information from individuals, and stressing that States and business enterprises should respect the right to privacy, the right to the enjoyment of the highest attainable standard of physical and mental health and other human rights when collecting, processing, sharing and storing biometric information by, inter alia, implementing data protection policies and safeguards,

Noting also that general comment No. 16 recommends that States take effective measures to prevent the unlawful retention, processing and use of personal data stored by public authorities and business enterprises,

Recalling that business enterprises have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[13] and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Welcoming measures taken by business enterprises, on a voluntary basis, to provide transparency to their users about their policies regarding requests by State authorities for access to user data and information,

Deeply concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,

Emphasizing that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications, including measures for encryption and anonymity, can be necessary to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association, and in this regard calling upon States to comply with their obligations under international human rights law and not to interfere with the use of such

[13] A/HRC/17/31, annex.

technologies, and to refrain from employing unlawful or arbitrary surveillance techniques, including through hacking,

Noting with deep concern that, in many countries, human rights defenders and journalists frequently face threats and harassment and suffer insecurity, as well as unlawful or arbitrary interference with their right to privacy, as a result of their activities,

Noting that, while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law,

Noting also, in that respect, that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Recognizing that an open, secure, stable, accessible and peaceful information and communications technology environment is important to the realization of the right to privacy in the digital age,

1. *Reaffirms* the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights[1] and article 17 of the International Covenant on Civil and Political Rights;[2]

2. *Recognizes* the global and open nature of the Internet and the rapid advancement in information and communications technologies as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;[14]

3. *Affirms* that the same rights that people have offline must also be protected online, including the right to privacy;

4. *Recalls* that States should ensure that any interference with the right to privacy is consistent with the principles of legality, necessity and proportionality;

5. *Encourages* all States to promote an open, secure, stable, accessible and peaceful information and communications technology environment based on respect for international law, including the obligations enshrined in the Charter of the United Nations and human rights instruments;

6. *Calls upon* all States:

(a) To respect and protect the right to privacy, including in the context of digital communications;

(b) To take measures to put an end to violations of the right to privacy and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their obligations under international human rights law;

(c) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law;

[14] See resolution 70/1.

(d) To establish or maintain existing independent, effective, adequately resourced and impartial judicial, administrative and/or parliamentary domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and the collection and processing of personal data;

(e) To provide individuals whose right to privacy has been violated by unlawful or arbitrary surveillance with access to an effective remedy, consistent with international human rights obligations;

(f) To develop or maintain and implement adequate legislation, in cooperation with all relevant stakeholders, including civil society, with effective sanctions and remedies, that protects individuals against violations and abuses of the right to privacy, namely through the unlawful and arbitrary collection, processing, retention or use of personal data by individuals, Governments, business enterprises and private organizations;

(g) To adopt and implement comprehensive data protection legislation, including on digital communication data, that complies with international human rights law and to consider establishing independent authorities with powers to monitor State and private sector data privacy practices, investigate abuses, receive complaints from individuals and organizations, and provide remedies for the unlawful processing of personal data by private and public bodies;

(h) To further develop or maintain, in this regard, preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect all individuals, including where there are particular effects for women, as well as children and those vulnerable and marginalized;

(i) To develop, review, implement and strengthen gender-responsive policies that promote and protect the right to privacy in the digital age of all people without discrimination;

(j) To promote quality education and lifelong education opportunities for all to foster, inter alia, digital literacy and technical skills for the protection of the right to privacy;

(k) To refrain from requiring business enterprises to take steps that interfere with the right to privacy in an arbitrary or unlawful way;

(l) To enable business enterprises to adopt adequate voluntary transparency measures with regard to requests by State authorities for access to private user data and information;

(m) To develop or maintain legislation, preventive measures and remedies addressing harm from the processing, use, sale or multiple resale or other corporate sharing of personal data without the individual's free, explicit and informed consent;

7. *Calls upon* business enterprises:

(a) To meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[13] including the right to privacy in the digital age;

(b) To inform users in an intelligible and easily accessible way about the collection, use, sharing and retention of their data that may affect their right to privacy and to establish transparency policies, as appropriate;

(c) To ensure the lawfulness, fairness and transparency of data processing, limiting the purposes of processing, ensuring the legitimacy of such purposes,

minimizing data processing, limiting data storage and ensuring their accuracy, integrity and confidentiality;

8. *Encourages* business enterprises to work towards enabling secure communications and the protection of individual users against arbitrary or unlawful interference with their privacy, including by developing technical solutions;

9. *Encourages* all relevant stakeholders to participate in informal dialogues about the right to privacy, and welcomes the contribution of the Special Rapporteur of the Human Rights Council on the right to privacy to this process;

10. *Encourages* the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to remain actively seized of the debate, and invites all relevant stakeholders to further discuss how big data, automated decision-making and machine-learning technologies, sometimes referred to as artificial intelligence, have an impact on the enjoyment of the right to privacy, with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy;

11. *Decides* to continue its consideration of the question at its seventy-fifth session.

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Saudi Arabia: draft resolution

Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014, 70/234 of 23 December 2015, 71/130 of 9 December 2016, 71/203 of 19 December 2016 and 71/248 of 21 December 2016 and Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[3] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[6] 20/22 of 6 July 2012,[7] 21/26 of 28 September 2012,[8] 22/24 of 22 March 2013,[9] 23/1 of 29 May

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.
[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.
[5] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.
[6] Ibid., chap. V.
[7] Ibid., chap. IV, sect. A.
[8] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.
[9] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

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2013,[10] 23/26 of 14 June 2013,[10] 24/22 of 27 September 2013,[11] 25/23 of 28 March 2014,[12] 26/23 of 27 June 2014,[13] 27/16 of 25 September 2014,[14] 28/20 of 27 March 2015,[15] 29/16 of 2 July 2015,[16] 30/10 of 1 October 2015,[17] 31/17 of 23 March 2016,[18] 32/25 of 1 July 2016,[19] 33/23 of 30 September 2016,[20] and S-25/1 of 21 October 2016,[21] 34/26 of 24 March 2017,[22] 35/26 of 23 June 2017,[23] 36/20 of 29 September 2017,[24] and 39/15 of 28 September 2018[25] and Security Council resolutions 1325 (2000) of 31 October 2000, 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2254 (2015) of 18 December 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016, 2286 (2016) of 3 May 2016, 2314 (2016) of 31 October 2016, 2319 (2016) of 17 November 2016, 2328 (2016) of 19 December 2016, 2332 (2016) of 21 December 2016, 2336 (2016) of 31 December 2016, 2393 (2017) of 19 December 2017 and 2401 (2018) of 24 February 2018, and the statements by the President of the Council of 3 August 2011,[26] 2 October 2013[27] and 17 August 2015,[28]

Strongly condemning the grave human rights situation in the Syrian Arab Republic, the indiscriminate killing and deliberate targeting of civilians as such, including those involving the continued indiscriminate use of heavy weapons and aerial bombardments, which has caused more than 400,000 fatalities, including the killing of more than 17,000 children, the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including by the starvation of civilians as a method of warfare and the use of chemical weapons, including chlorine gas, sarin and sulfur mustard, which are prohibited under international law, and acts of violence that foment sectarian tensions by the Syrian authorities against the Syrian population,

Reiterating that the only sustainable solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process, under the auspices of the United Nations, that meets the legitimate aspirations of the Syrian people and the establishment of a constitutional committee that would prepare the work for free and fair elections and political transition in line with Security Council

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[10] Ibid., chap. V, sect. A.
[11] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.
[12] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.
[13] Ibid., chap. V, sect. A.
[14] Ibid., *Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.
[15] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.
[16] Ibid., chap. V, sect. A.
[17] Ibid., *Supplement No. 53A* (A/70/53/Add.1), chap. II.
[18] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. II.
[19] Ibid., chap. IV, sect. A.
[20] Ibid., *Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[21] Ibid., *Supplement No. 53B* and corrigendum (A/71/53/Add.2 and A/71/53/Add.2/Corr.1), chap. II.
[22] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect A.
[23] Ibid., chap. V, sect. A.
[24] Ibid., *Supplement No. 53A* (A/72/53/Add.1), chap. III.
[25] Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.
[26] S/PRST/2011/16; see *Resolutions and Decisions of the Security Council, 1 August 2011–31 July 2012* (S/INF/67).
[27] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013–31 July 2014* (S/INF/69).
[28] S/PRST/2015/15.

resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, with the full and meaningful participation of women, reaffirming in this regard the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Expressing its full support for the efforts of the Special Envoy for Syria to establish urgently a credible and legitimate constitutional committee to advance the efforts of the United Nations to achieve a sustainable political solution to the conflict in the Syrian Arab Republic in line with Security Council resolution 2254 (2015), and recalling that pursuant to Council resolution 2254 (2015) a political solution to the conflict in the Syrian Arab Republic also comprises free and fair elections, under the supervision of the United Nations, to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including displaced persons and refugees, eligible to participate, as well as the establishment of a neutral and safe environment,

Reconfirming its endorsement of the Geneva communiqué of 30 June 2012, endorsing the joint statement on the outcome of the multilateral talks on Syria held in Vienna of 30 October 2015 and the statement of the International Syria Support Group of 14 November 2015 ("the Vienna statements") in pursuit of the full implementation of the Geneva communiqué, facilitated by the Special Envoy, as the basis for a Syrian-led and Syrian-owned political transition in order to end the conflict in the Syrian Arab Republic, and stressing that the Syrian people will decide the future of Syria,

Noting with deep concern the culture of impunity for the most serious violations of international law and violations and abuses of human rights law committed during the present conflict, which has provided a fertile ground for further violations and abuses,

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and violent extremist groups, and terrorist groups, including so-called ISIL (also known as Da'esh), Nusrah Front (also known as Hay'at Tahrir al-Sham), Al-Qaida-affiliated terrorist groups, and all other individuals, groups, undertakings and entities associated with Al-Qaida or ISIL so designated by the Security Council, and other violent extremist groups,

Recalling also the specific obligations under international humanitarian law to respect and protect, in situations of armed conflict, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, and hospitals and other medical facilities, and to ensure that the wounded and sick receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required, recalling also that, under international law, attacks intentionally directed against hospitals and places where the sick and wounded are collected, provided that they are not military objectives, as well as attacks intentionally directed against buildings, material, medical units and transport and personnel using the distinctive emblems of the Geneva Conventions of 12 August 1949[29] in conformity with international law are war crimes, and recalling the applicable rules of international humanitarian law relating to the non-punishment of any person for carrying out medical activities compatible with medical ethics,

[29] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

Expressing grave concern at the indiscriminate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the continuing failure of the Syrian authorities to protect the population and implement the relevant resolutions and decisions of United Nations bodies and has created a safe haven for crimes against humanity,

Expressing grave concern also at the remaining presence of extremism and violent extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL (also known as Da'esh), Nusrah Front, Al-Qaida-affiliated terrorist groups, militias fighting on behalf of the regime and other violent extremist groups,

Noting with serious concern the observation of the Independent International Commission of Inquiry on the Syrian Arab Republic that non-State armed groups still resort to the use of force against civilians,

Reaffirming its condemnation in the strongest possible terms of the use of chemical weapons by anyone under any circumstances, emphasizing that any use of chemical weapons anywhere, at any time, by anyone, under any circumstances, is unacceptable and is and would be a violation of international law, and expressing its strong conviction that those individuals responsible for the use of chemical weapons must and should be held accountable,

Condemning in the strongest possible terms the fact that chemical weapons have been used since 2012 in the Syrian Arab Republic, including as reported by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism in its reports of 2016 and 2017, concluding that the Syrian Arab Armed Forces were responsible for the attacks which released toxic substances in Tallmannis in 2014 and in Sarmin and Qaminas in 2015, that ISIL (also known as Da'esh) used sulfur mustard in Mari' in 2015 and in Umm Hawsh in 2016 and that the Syrian Arab Republic was responsible for the release of sarin at Khan Shaykhun in 2017, accordingly noting with great concern the reports of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons regarding alleged incidents in Lataminah and Saraqib, as well as its interim report regarding the alleged use of toxic chemicals as a weapon in Duma, and demanding that the perpetrators immediately desist from any further use of chemical weapons,

Expressing support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, welcoming its reports, strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry, reiterating its decision to transmit the reports of the Commission of Inquiry to the Security Council, expressing its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and requesting that the Commission of Inquiry continue to brief the General Assembly and members of the Security Council,

Noting with serious concern the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy, including targeted attacks against protected persons and objects, including medical facilities, personnel and transport and blocked humanitarian convoys, as well as enforced disappearances, torture in detention, summary executions and other violations and abuses, and underscoring the need for those allegations to be examined and evidence to be collected and made available for future accountability efforts,

Strongly condemning the reported killing of detainees in Syrian military intelligence facilities and the widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence and torture in detention centres referred to in the reports of the Commission of Inquiry, including, but not limited to, Branch 215, Branch 227, Branch 235, Branch 251, the Air Force Intelligence Investigation Branch at Mazzah military airport and Saydnaya prison, including the reported practice of mass hangings by the authorities, as well as the reported killing of detainees at military hospitals, including Tishrin and Harasta hospitals,

Expressing its deepest concern about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by "Caesar" in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution [30] was not adopted notwithstanding broad support from Member States,

Noting with concern the existence and application of Law No. 10/2018 in the national legislation of the Syrian Arab Republic and similar measures, which would have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calling for its immediate repeal,

Expressing concern that the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015), 2268 (2016), 2286 (2016), 2393 (2017) and 2401 (2018) remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and full, immediate, unimpeded and sustained humanitarian access,

Recalling its commitment to Security Council resolutions 2170 (2014), 2178 (2014) and 2253 (2015) of 17 December 2015,

Alarmed that more than 5.6 million refugees, including more than 3.8 million women and children, have been forced to flee the Syrian Arab Republic and that 13.6 million people in the Syrian Arab Republic, of whom 6.5 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

Expressing its profound indignation at the death of more than 17,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all grave violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, sexual violence, kidnapping and abductions, attacks on schools and hospitals, and denial of humanitarian access, as well as their arbitrary arrest, detention, torture and ill-treatment and their use as human shields,

[30] S/2014/348.

Recalls with serious concern the findings of the Commission of Inquiry in its report entitled "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic", noting in this regard the recent issuing of death notifications of detained individuals by the Syrian authorities, which provides further indication of systematic violations of international human rights law and international humanitarian law, and urging the Syrian authorities to provide families with the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for and to clarify the fate of those who remain missing or are still in custody,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries,

Underscoring the critical need to support efforts for the safe and voluntary return of refugees and internally displaced persons to their home areas, including the rehabilitation of affected areas and the provision of security and material needs in accordance with international law, including applicable provisions of the Convention relating to the Status of Refugees[31] and the Protocol thereto,[32] and taking into account the interests of those countries hosting refugees,

Welcoming the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria of 30 June 2012[33] and consistent with Security Council resolution 2254 (2015),

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to the protection of the civilian population and the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance in accordance with the final communiqué and consistent with Security Council resolutions 2254 (2015) and 2258 (2015), urging the Special Envoy to convene the constitutional committee in order to pave the way for the negotiation of a genuine political transition, noting with appreciation the mediation efforts to facilitate the establishment of a ceasefire in the Syrian Arab Republic, as noted by the Security Council in its resolution 2336 (2016), supporting the efforts to end violence, while expressing deep concern at the violations, demanding that all parties to the ceasefire in the Syrian Arab Republic respect their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence to ensure respect for those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

1. *Strongly condemns* the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law committed in the Syrian Arab Republic and the indiscriminate and disproportionate attacks in civilian areas and against civilian infrastructure, in particular attacks on medical facilities and schools, which continue to claim civilian

[31] United Nations, *Treaty Series*, vol. 189, No. 2545.
[32] Ibid, vol. 606, No. 8791.
[33] Security Council resolution 2118 (2013), annex II.

lives, and demands that all parties comply with their obligations under international humanitarian law;

2. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all attacks on their own people, take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects and meet their responsibilities to protect the Syrian population and immediately implement Security Council resolutions 2254 (2015), 2258 (2015) and 2286 (2016);

3. *Urges* all Member States, especially the members of the International Syria Support Group, to create conditions for continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations, by working towards the nationwide ceasefire, to enable full, immediate and safe humanitarian access and to lead to the release of those arbitrarily detained, consistent with Security Council resolution 2254 (2015), as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

4. *Strongly condemns* any use of chemical weapons, such as chlorine, sarin and sulphur mustard, by any party to the conflict in the Syrian Arab Republic, emphasizes that the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons anywhere, at any time, by anyone, under any circumstances, is unacceptable, constitutes one of the most serious crimes under international law and is a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[34] and Security Council resolution 2118 (2013), and expresses its strong conviction that individuals responsible for the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons must and should be held accountable;

5. *Also strongly condemns* the continued use of chemical weapons in the Syrian Arab Republic, in particular the chlorine attack on 4 February 2018 in Saraqib and the attack on 7 April 2018 in Duma, which killed dozens of men, women and children and severely injured hundreds more, recalls the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors, recalls the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, and demands that the Syrian regime and so-called ISIL (also known as Da'esh) immediately desist from any further use of chemical weapons;

6. *Expresses grave concern* at the reported chemical weapons attack in Duma on 7 April 2018, notes the latest report of the Commission of Inquiry that a vast body of evidence suggests that chlorine was dropped by helicopter on a residential building, and looks forward to the final findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

7. *Calls for* a significant enhancement of the verification measures of the Organisation for the Prohibition of Chemical Weapons, and welcomes the arrangements that the Organisation will put in place to identify the perpetrators of the use of chemical weapons;

[34] United Nations, *Treaty Series*, vol. 1974, No. 33757.

8. *Demands* that the Syrian regime adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and to eliminate its chemical weapons programme in its entirety, as referred to in the report of the Director General of the Organization for the Prohibition of Chemical Weapons dated 22 February 2016[35] indicating that the Technical Secretariat is at present unable to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and decision EC-M-33/DEC.1 of the Executive Council of the Organization for the Prohibition of Chemical Weapons;[36]

9. *Requests* additional procedures for stringent verification pursuant to article IV, paragraph 8, and article V, paragraph 10, of the Convention, in order to ensure the complete destruction of the Syrian chemical weapons programme and prevent any further use of chemical weapons;

10. *Deplores and condemns in the strongest terms* the continued widespread and systematic gross violations and abuses of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated militias and those who fight on their behalf, including those deliberately targeting civilians or civilian objects, including attacks on schools, hospitals and places of worship, with heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical or other weapons and other force against civilians, as well as the starvation of the civilian population as a method of warfare, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of peaceful protesters, human rights defenders and journalists, individuals and members of communities on the basis of their religion or belief, arbitrary detention, enforced disappearances, violations of the human rights of women and children, forced displacement of members of minority groups and of those opposed to the Syrian regime, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment;

11. *Condemns unequivocally* all attacks and violence against journalists and media workers by the Syrian authorities, the Government-affiliated militias and non-State armed groups, urges all parties to respect the professional independence and rights of journalists, and recalls in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians;

12. *Strongly condemns* all violations and abuses of human rights and violations of international humanitarian law, including the killing and persecution of individuals and communities on the basis of their religion or beliefs, by armed extremist groups, as well as any human rights abuses or violations of international humanitarian law by non-State armed groups, including Hizbullah and those designated as terrorist groups by the Security Council;

13. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by so-called ISIL (also known as Da'esh), Nusrah Front (also known

[35] EC-81/HP/DG.1.

[36] Security Council resolution 2118 (2013), annex I.

as Hay'at Tahrir al-Sham), Al-Qaida-affiliated terrorist groups, terrorist groups so designated by the Security Council and other violent extremist groups and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, cannot and should not be associated with any religion, gender, ethnicity, nationality or civilization;

14. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by all terrorist groups and armed groups, including so-called ISIL (also known as Da'esh), in particular the killing of women and girls, sexual and gender-based violence, including the enslavement and sexual exploitation and abuse of women and girls and the forced recruitment, use and abduction of children;

15. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic, including forced displacement of civilians as a result of local truce agreements, as highlighted by the Commission of Inquiry, and the alarming impact thereof on the demography of the country, which amounts to a strategy of radical demographic change initiated by the Syrian authorities, its allies and other non-State actors, calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to war crimes and crimes against humanity, notes that impunity for such crimes is unacceptable, reaffirms that those responsible for such breaches of international law, must be brought to justice, and supports efforts to collect evidence in view of future legal action;

16. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[37] including its obligation to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the extradite or prosecute principle contained in article 7 of the Convention;

17. *Strongly condemns* the reported persistent and widespread use of sexual violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, and notes that such acts may constitute violations of international humanitarian law and violations and abuses of international human rights law, and in this regard expresses deep concern at the prevailing climate of impunity for sexual and gender-based violence;

18. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, abductions, denial of humanitarian access for children, and attacks on civilian objects, including schools and hospitals, as well as their arbitrary arrest, unlawful detention, torture and ill-treatment and their use as human shields;

19. *Reaffirms* the Syrian authorities' responsibility for the systematic use of enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian authorities' use of enforced disappearances amounts to a crime against humanity, and condemns the targeted disappearances of young men and the exploitation of ceasefires as an opportunity to forcibly recruit and arbitrarily detain them;

20. *Demands* that the Syrian authorities, in accordance with their obligations under relevant provisions of international human rights law, including the right to life

[37] United Nations, *Treaty Series*, vol. 1465, No. 24841.

and the right to the enjoyment of the highest attainable standard of physical and mental health, promote non-discriminatory access to health services and respect and protect medical and health personnel from obstruction, threats and physical attacks;

21. *Strongly condemns* all attacks on medical and health personnel, their means of transport and equipment, as well as on hospitals and other medical facilities, deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic, and reaffirms that humanitarian workers and their means of transport, equipment and facilities must be protected in accordance with international humanitarian law;

22. *Stresses* that the situation in Idlib is of particular concern, expresses its support for the current agreement to cease hostilities in order to avoid a humanitarian catastrophe, and calls on the guarantors of that agreement to ensure that the ceasefire is upheld;

23. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unhindered access throughout the Syrian Arab Republic;

24. *Also demands* that the Syrian authorities meet their responsibilities to protect the Syrian population;

25. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region, and demands that all foreign terrorist fighters, and those who are fighting in support of the Syrian authorities, including all militias sponsored by foreign Governments, immediately withdraw from the Syrian Arab Republic;

26. *Demands* that all parties immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, and refrain from militarizing such facilities, seek to avoid establishing military positions in densely populated areas and enable the evacuation of the wounded and all civilians who wish to leave areas of conflict, including besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting their population;

27. *Condemns in the strongest terms* all attacks on protected objects, including indiscriminate and disproportionate attacks and those which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

28. *Recalls* the statements made by the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, indicating that the overwhelming majority of the civilian casualties in the Syrian Arab Republic have been caused by the indiscriminate use of aerial bombardments, demands in this regard that the Syrian authorities immediately cease any attacks on civilians, any disproportionate attacks and any indiscriminate use of weapons in populated areas, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

29. *Emphasizes* the need for accountability for crimes involving breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011, through fair and independent investigations and prosecutions at the domestic or international level;

30. *Urges* all Member States and parties to the conflict to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including through the provision of relevant information and documentation, stresses its mandate to closely cooperate with the Commission of Inquiry, and also urges the Mechanism to make a particular effort to ensure consultation and cooperation with Syrian civil society organizations;

31. *Welcomes* the reports of the Mechanism for 2017 and 2018, and invites the head of the Mechanism to prepare the reports of the Mechanism for presentation on an annual basis in the month of April at a plenary meeting of the General Assembly, starting at its seventy-third session, under the agenda item entitled "Prevention of armed conflict", within existing resources,

32. *Also welcomes* the voluntary contributions made by Member States to the funding of the Mechanism, invites all Member States to make additional financial contributions, and notes the steps taken by the Secretary-General in response to the call to include the necessary funding for the Mechanism in his next budget proposal;

33. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, in accordance with the principle of complementarity, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

34. *Welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, encourages them to continue to do so and to share relevant information between States in accordance with their national legislation and international law, and also encourages other States to consider doing the same;

35. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to assume its responsibility for providing urgent financial support to enable the host countries and communities to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

36. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, its specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries and communities;

37. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

38. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of warfare is prohibited under international law, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

39. *Demands* that the Syrian authorities and all other parties to the conflict ensure the full, immediate, unimpeded and sustained access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas, consistent with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015), 2332 (2016), 2393 (2017) and 2401 (2018);

40. *Strongly condemns* practices, including abduction, hostage-taking, arbitrary and incommunicado detention, torture, the murder of innocent civilians and summary executions, carried out by non-State armed groups and terrorist groups so designated by the Security Council, most notably so-called ISIL (also known as Da'esh) and Nusrah Front (also known as Hay'at Tahrir al-Sham), and underlines that such acts may amount to crimes against humanity;

41. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, and in the reports of widespread killing of detainees in Syrian military intelligence facilities;

42. *Strongly condemns* the reported killing of detainees in Syrian military intelligence facilities, in particular in the Mazzah airport detention facility, the Harasta Air Force Intelligence Branch and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees in Adra prison and at military hospitals, including Mazzah, Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

43. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

44. *Demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the population of the Syrian Arab Republic lies with the Syrian authorities;

45. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolutions 2199 (2015) of 12 February 2015 and 2347 (2017) of 24 March 2017, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

46. *Urges* all parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities as required by international humanitarian law, without prejudice to their freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council has reaffirmed that it will take further measures in

the event of non-compliance with its resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2234 (2015), 2258 (2015), 2286 (2016), 2393 (2017) and 2401 (2018) by any Syrian party;

47. *Urges* the international community to support the leadership and full and effective participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolutions 1325 (2000), 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015;

48. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, reiterates its commitment to the national unity and territorial integrity of the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the final communiqué of the Action Group for Syria of 30 June 2012,[33] consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and where all persons receive equal protection, regardless of gender, religion or ethnicity, and further demands that all parties work urgently towards the comprehensive implementation of the final communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions.

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Agenda item 74 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Austria, Bangladesh, ** **Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Rights of the Child[3] and other relevant international law and human rights law instruments,

Noting the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes, as stipulated in Chapter VIII of the Charter,

Reaffirming its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolution 72/248 of 24 December 2017, and recalling the resolutions and decisions of the Human Rights Council, the most recent of which being resolutions 39/2 of 27 September 2018[4] and 37/32 of 23 March 2018[5] and decision S-27/1 of 5 December 2017,[6] and the presidential statement issued by the Security Council on 6 November 2017,[7]

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* Reissued for technical reasons on 7 November 2018.

** On behalf of the States that are members of the Organization of Islamic Cooperation.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. II.

[5] Ibid., *Supplement No. 53* (A/73/53), chap. IV.

[6] Ibid., chap. III.

[7] S/PRST/2017/22.

Please recycle

Welcoming the appointment by the Secretary-General of a Special Envoy on Myanmar, the cooperation of the Government of Myanmar with the Special Envoy and the agreement on the opening of the office of the Special Envoy in Nay Pyi Taw, and commending the work of the Special Envoy since her appointment, including her recent visits to the region and her consultations with a range of interlocutors,

Welcoming also the mandate of the independent international fact-finding mission on Myanmar, established by the Human Rights Council in its resolution 34/22, and the decision by the Council in its resolution 39/2 to extend it,

Welcoming the decision by the Human Rights Council, in its resolution 39/2, to establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law,

Welcoming also the work of the independent international fact-finding mission on Myanmar, deeply regretting that the Government of Myanmar has not cooperated with the fact-finding mission, and urging the Government to grant it and other human rights mechanisms full, unrestricted access to all areas and interlocutors,

Strongly regretting the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur on the situation of human rights in Myanmar and to deny her access to Myanmar since January 2018, and calling upon the Government of Myanmar to resume its cooperation with the Special Rapporteur without delay,

Welcoming the report of the Special Rapporteur on the situation of human rights in Myanmar,[8]

Expressing grave concern at continuing reports of serious human rights violations and abuses in Myanmar, in particular in Rakhine State, as well as in Kachin and northern Shan States,

Continuing to underline the need for the armed forces of Myanmar to take immediate steps to protect all persons within the country, including those belonging to the Rohingya community, by respecting international law, including human rights law, and ending the violence, and calling for urgent steps to ensure independent and impartial investigations into all human rights violations and abuses and that those displaced by violence are able to voluntarily return in safety and dignity to their places of origin in a sustainable manner,

Reiterating its deep distress at reports that unarmed Rohingya in Rakhine State are being subjected to the excessive use of force and violations of human rights by the military and security forces, including extrajudicial, summary or arbitrary killings, rape and other forms of sexual and gender-based violence, arbitrary detention and the enforced disappearance of Rohingya civilians in Rakhine State, and at reports of large-scale destruction of homes and systematic evictions in northern Rakhine State, including the use of arson and violence, as well as the unlawful use of force by non-State actors,

Reiterating its grave concern that, in spite of the fact that Rohingya Muslims lived in Myanmar for generations prior to the independence of Myanmar, they were

[8] A/73/332.

made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, in 2015, from the electoral process,

Reaffirming that the denial of citizenship status and related rights to Rohingya Muslims and others, including voting rights, is a serious human rights concern,

Noting with deep concern that the targeted violence against the Rohingya Muslims and others in Rakhine State has forced over 723,000 people — most of them women and children — to flee to Bangladesh since 25 August 2017,

Noting with deep concern also the security, human rights and humanitarian situation in Rakhine, Kachin and Shan States and the continued serious violations and abuses of human rights of Rohingya Muslims and of persons belonging to other minorities, as well as the statelessness, disenfranchisement, economic dispossession, marginalization, deprivation of livelihood and restrictions on freedom of movement for persons belonging to the Rohingya community, including the confinement of approximately 120,000 people in camps for internally displaced persons, the majority of whom rely entirely on foreign aid,

Noting the stated commitment of the Government of Myanmar to implementing the recommendations of the Advisory Commission on Rakhine State, regretting that over the past year the Government of Myanmar has not yet implemented the recommendations, and calling on the Government of Myanmar to implement fully the recommendations of the Commission, including those regarding inclusive development, freedom of movement, human rights, security sector reform, humanitarian access and access by the media, and a pathway to full citizenship for all individuals without discrimination and regardless of ethnicity or religion, and to address the underlying causes of the situation in Rakhine State,

Acknowledging with grave concern statements made by the Secretary-General on 26 February 2018, the United Nations High Commissioner for Human Rights on 7 March 2018, the Assistant Secretary-General for Human Rights on 6 March 2018 and the Secretary-General of the Organization of Islamic Cooperation on 27 February 2018, on the situation of human rights in Rakhine State, in which they referred to ethnic cleansing in Myanmar, and recalling the resolution adopted by the Council of Foreign Ministers of the Organization of Islamic Cooperation at its forty-fifth session on the establishment of an Organization of Islamic Cooperation ad hoc ministerial committee on accountability for human rights violations against the Rohingyas and the recommendations made by the participants in the international consultation meeting on the Rohingya crisis, which was held on 6 July 2018 in Ankara,

Welcoming the visit of the Security Council to Rohingya camps in Cox's Bazar, Bangladesh, from 28 April to 1 May 2018, and sharing its grave concern at the scale of the humanitarian crisis on the ground and its emphasis on finding a solution to the current situation of the Rohingya,

Welcoming also the visit of the Secretary-General to Rohingya camps in Cox's Bazar, Bangladesh, in July 2018, recalling his statement to the Security Council on 28 August 2018, in which he referred to the crisis in Rakhine State as "one of the world's worst humanitarian and human rights crises", and commending the Secretary-General's continued attention to this situation,

Expressing concern at the reports of continued intimidation and violence against the remaining Rohingya Muslim population and other minority groups in Myanmar,

Recalling the responsibility of States to comply with their relevant obligations, to prosecute those responsible for violations of international law, including international humanitarian law, international human rights law, international criminal law and international refugee law, as well as abuses of human rights law, and to

provide an effective remedy to any person whose rights have been violated, with a view to ending impunity,

Reiterating the urgent need to ensure that all those responsible for crimes related to violations and abuses of international human rights law and international criminal law are held to account through credible and independent national, regional or international criminal justice mechanisms, while recalling the authority of the Security Council in this regard,

Noting the establishment of an independent commission of enquiry by the Government of Myanmar on 30 July 2018 as a step towards ensuring accountability for the human rights violations and abuses committed in Rakhine State, provided that the commission of enquiry, unlike previous national investigative mechanisms, is able to work with independence, impartiality, transparency and objectivity,

Noting also the initial steps taken by the Government of Myanmar to improve the situation in Rakhine State for all communities, including the setting up of the Central Committee for the Implementation of Peace, Stability and Development in Rakhine State and of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, while underscoring the need for expedited implementation of key reforms, including access to citizenship and freedom of movement, to create the conditions necessary for refugees and other forcibly displaced persons to return to their places of origin voluntarily, safely and with dignity,

Re-emphasizing the urgent right of all refugees and displaced persons to return home in safety, dignity and in a voluntary and sustainable manner,

Noting the signing, on 6 June, of a memorandum of understanding between Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of displaced persons from Rakhine State,

Noting the signing of bilateral instruments between Bangladesh and Myanmar and the subsequent formation of the joint working group, while underlining the need to create an environment conducive to the safe, voluntary, dignified and sustainable return of the displaced Rohingya, including assurances about the non-occurrence of violence, the rights related to citizenship and mobility and the accountability of perpetrators and justice for victims,

Expressing deep concern regarding the continuing departure of members of the remaining Rohingya population and persons belonging to other minorities to Bangladesh, and strongly urging the Government of Myanmar and the armed forces to lift the curfew order in Rakhine State, in particular to ensure freedom of movement and the safety and security of all persons without distinction of any kind, and to put an end to the extortion and intimidation of the Rohingya population,

1. *Expresses grave concern* at the findings of the independent international fact-finding mission on Myanmar[9] that there is sufficient information to warrant investigation and prosecution so that a competent court may determine liability for genocide in relation to the situation in Rakhine State, that crimes against humanity and war crimes have been committed in Kachin, Rakhine and Shan States, including murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution and enslavement, that children were subjected to and witnessed serious human rights violations, including killing, maiming and sexual violence, that there are reasonable grounds to conclude that serious crimes under international law have been committed that warrant criminal investigation and

[9] See A/HRC/39/64.

prosecution and that the military has consistently failed to respect international human rights law and international humanitarian law;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, as set out in the report of the fact-finding mission,[9] including the widespread, systematic and gross human rights violations and abuses committed in Rakhine State, including the presence of elements of extermination and deportation and the systematic oppression and discrimination that the fact-finding mission concluded may amount to persecution and to the crime of apartheid, also strongly condemns the grossly disproportionate response of the military and the security forces, deplores the serious deterioration of the security, human rights and humanitarian situation and the exodus of more than 723,000 Rohingya Muslims and other minorities to Bangladesh and the subsequent depopulation of northern Rakhine State, and calls upon the Myanmar authorities to ensure that those responsible for violations of international law, including human rights violations and abuses, are held accountable and removed from positions of power;

3. *Calls* for a full and independent investigation of the human rights violations and abuses committed, including against the Rohingya Muslims and persons belonging to other minorities, as reported by various United Nations bodies, including the Human Rights Council, the fact-finding mission and the Special Representative of the Secretary-General on Sexual Violence in Conflict, to ensure that those responsible for such crimes are held accountable;

4. *Notes* the establishment of an independent commission of enquiry by the Government of Myanmar as a step towards ensuring accountability for investigating alleged violations and abuses of human rights in the Rakhine State, provided that the Commission, unlike preceding national investigative mechanisms, is able to work with independence, impartiality, transparency and objectivity in a credible way in line with international standards, and encourages the commission of enquiry to seek support and expertise from the United Nations and the international community;

5. *Calls* for the expeditious entry into operation of the independent mechanism established by the Human Rights Council and steps to secure its effective functioning as soon as possible;

6. *Notes* the recommendation by the fact-finding mission on the conduct of a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011, and encourages the United Nations system to follow up on the issues raised and to ensure that all engagement with Myanmar takes into account, and addresses, human rights concerns;

7. *Notes* the holding of the third session of the Twenty-first Century Panglong Conference from 11 to 16 July 2018 and the progress made towards the principles of a future democratic federal union of Myanmar, while calling for further steps, including an immediate cessation of fighting and hostilities, of targeting civilians and of all violations and abuses of international human rights law and international humanitarian law in northern Myanmar and an inclusive and comprehensive national political dialogue ensuring the full, effective and meaningful participation of all ethnic groups, women and young people, and persons with disabilities, as well as civil society, with the objective of achieving lasting peace;

8. *Reiterates* the urgent call upon the Government of Myanmar:

(a) To take the necessary measures to address the spread of discrimination and prejudice and to combat the incitement of hatred against Rohingya Muslims and other persons belonging to minorities, including Kachin and Shan, by publicly condemning such acts and combating hate speech, while fully respecting international human rights law, as well as by promoting interfaith dialogue in cooperation with the

international community and encouraging political and religious leaders in the country to work towards reconciliation among communities and national unity through dialogue;

(b) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to the Rohingya Muslims, by, inter alia, reviewing the 1982 Citizenship Law, which has led to deprivation of human rights, by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights, by allowing for self-identification, by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control, and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

(c) To dismantle the camps for internally displaced persons in Rakhine State, ensuring that the return and relocation of internally displaced persons is carried out in accordance with international standards and best practices, including as set forth in the Guiding Principles on Internal Displacement;[10]

(d) To create the conditions necessary for the safe, voluntary, dignified and sustainable return of refugees, to proactively apprise the prospective returnees about developments in this regard and to formulate a time-bound road map for their implementation;

(e) To allow full and unhindered access for the delivery of humanitarian assistance, including gender-responsive assistance, by humanitarian actors, including the United Nations and its international partners, as well as by regional organizations, including, but not limited to, the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, to affected persons and communities, without fear of reprisals, intimidation or attack, and in this regard urges the Government of Myanmar to implement the various international cooperation agreements that have not yet been fully implemented for the distribution of humanitarian aid to all affected areas, including Rakhine, Kachin and Shan States, without discrimination;

(f) To sustain the democratic transition of Myanmar by bringing all national institutions, including the military, under the democratically elected civilian government;

(g) To ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and persons belonging to other minorities, in an equal and dignified manner in order to prevent further instability and insecurity, alleviate suffering, address the root causes of the situation and forge a viable, lasting and durable solution;

(h) To fulfil its human rights obligations and commitments to protect the rights to freedom of expression, association and peaceful assembly, to create and maintain a safe and enabling environment for civil society and independent media and to ensure the safety, security and freedom of journalists, media workers, civil society activists and human rights defenders, including while they are engaged in their work;

9. *Underscores* the importance of providing protection and assistance specifically tailored to women and girls and to the victims of sexual violence;

[10] E/CN.4/1998/53/Add.2, annex.

10. *Reiterates its deep concern* at the continued plight of Rohingya refugees and forcibly displaced persons living in Bangladesh and in other countries, and appreciates the commitment by the Government of Bangladesh to provide temporary shelter, humanitarian assistance and protection to them;

11. *Expresses grave concern* at the potential retraumatization of survivors of human rights violations and abuses, particularly child survivors and sexual violence survivors, and calls on all actors engaging in documentation work to follow international human rights standards and the "do-no-harm" principle for evidence-gathering in order to respect the dignity of survivors and to avoid retraumatization;

12. *Encourages* further cooperation between Myanmar and Bangladesh in order to expedite the establishment of conditions that will allow for the safe, sustainable and voluntary return of Rohingya refugees and forcibly displaced persons, with the full support and meaningful involvement of the international community, including the United Nations and its funds, programmes and agencies;

13. *Also encourages* the international community to (a) assist Bangladesh in providing humanitarian assistance to Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity; (b) assist Myanmar in the provision of humanitarian assistance to affected persons of all communities who have been internally displaced, including those in camps for internally displaced persons within Rakhine State;

14. *Urges* the Government of Myanmar to continue to work with the Government of Bangladesh and the United Nations, including the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, to allow the voluntary return of all refugees and forcibly displaced persons in conditions of safety and dignity to their places of origin in Myanmar, including through the implementation of the memorandum of understanding signed between the Government of Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees;

15. *Recognizes with appreciation* the assistance and support of the international community, including regional organizations, in particular the Association of Southeast Asian Nations, and the countries neighbouring Myanmar, and encourages support for the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transition process, inclusive socioeconomic development and sustainable peace, as well as its national reconciliation process involving all relevant stakeholders;

16. *Emphasizes* the need for the Governments of Myanmar and Bangladesh, as well as the United Nations, to ensure the voluntariness of the repatriation process and to ensure that the concerns, specific needs and requests of Rohingya refugees and other forcibly displaced persons are taken into account;

17. *Urges* the international community to support the underfunded 2018 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

18. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to the Government of Myanmar;

(b) To extend the appointment of the Special Envoy on Myanmar and submit the report of the Special Envoy covering all relevant issues addressed in the present resolution to the General Assembly at its seventy-fourth session;

(c) To provide all assistance necessary to enable the Special Envoy to effectively discharge her mandate and to brief Member States every six months, or as otherwise requested or as warranted by the situation on the ground;

(d) To identify ways in which the existing mandates can more effectively deliver in their respective areas of responsibility and can complement each other's work through enhanced coordination;

(e) To call the continued attention of the Security Council to the situation in Myanmar with concrete recommendations for action towards resolving the humanitarian crisis, promoting the safe, dignified, voluntary and sustainable return of Rohingya refugees and forcibly displaced persons and ensuring accountability for those responsible for human rights violations;

19. *Requests* that the Special Envoy participate by way of interactive dialogue in the seventy-fourth session of the General Assembly;

20. *Decides* to remain seized of the matter, inter alia, on the basis of the reports of the Secretary-General, the fact-finding mission, the ongoing international mechanism, the Special Rapporteur of the Human Rights Council and the Special Envoy on Myanmar.